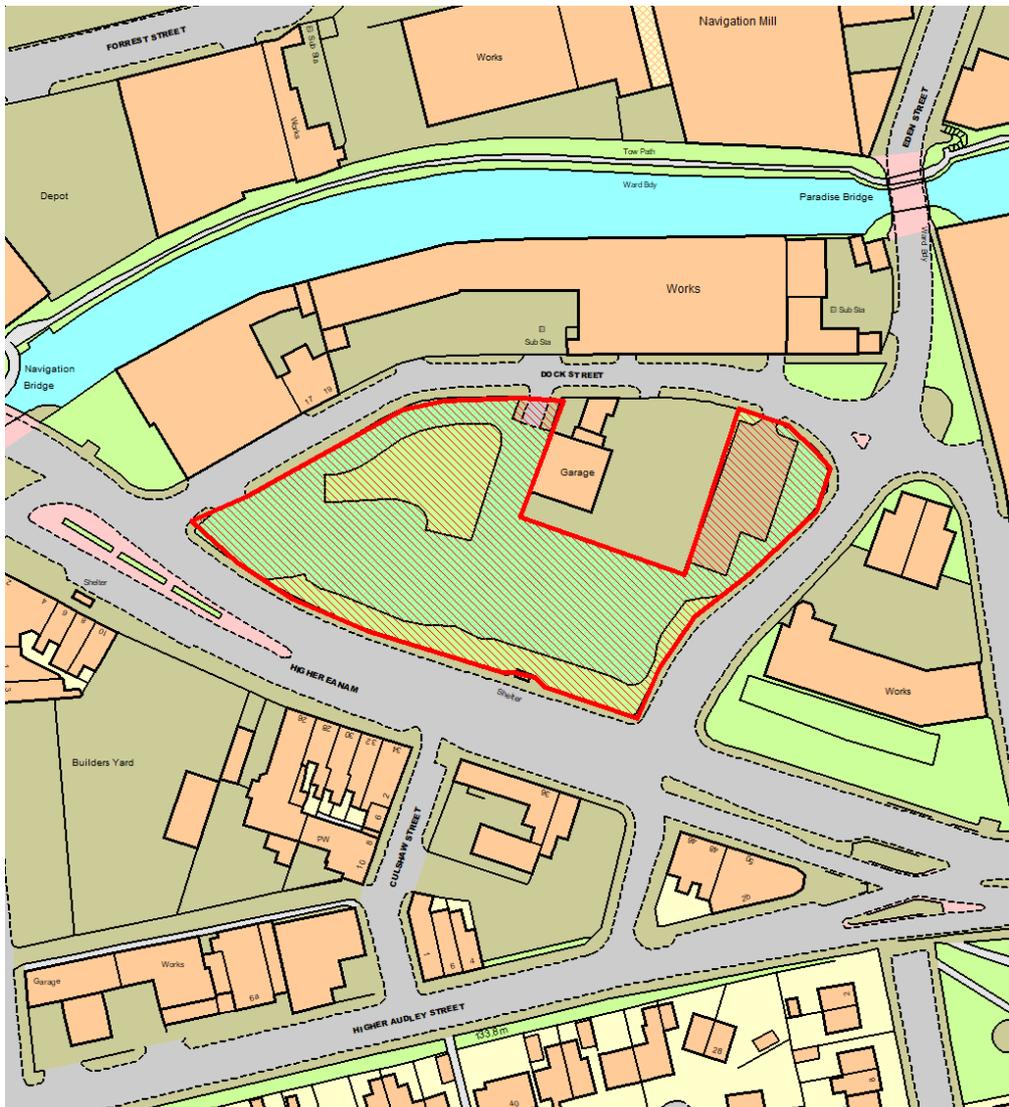


**Proposed development: Amendment for Variation of condition no 2 pursuant to application 10/20/1099 'Variation of Condition No2 pursuant to planning application 10/20/0251' New industrial development comprising of 2 No. B2/B8 units' layout change to the design**

**Site address:  
Land Junction Of Eden Street  
Higher Eanam  
Blackburn  
BB1 3AT**

**Applicant: Barnfield Blackburn Ltd**

**Ward: Blackburn Central Councillors: Samim Desai; Mahfooz Hussain; Zamir Khan**



## 1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** – Subject to the recommended conditions set out within section 4 of this report

## 2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

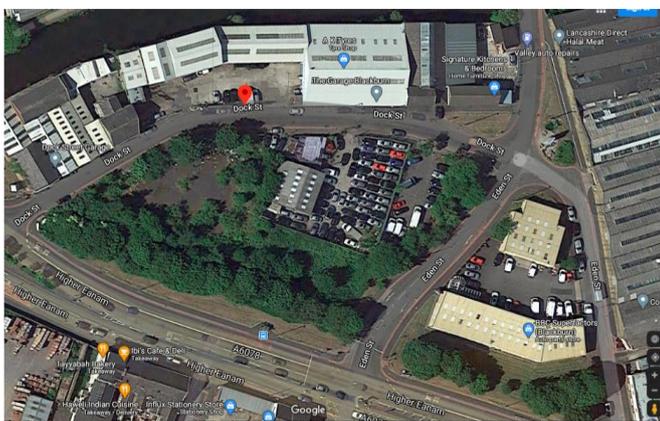
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the application site is within the ownership of Blackburn with Darwen Borough Council and the application is therefore submitted under Regulation 4 of the Town & Country Planning Regulations 1992.
- 2.2 The proposal accords with the Council's development plan, which supports new commercial developments and associated works within the defined urban boundary, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.3 The proposal is considered to be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

## 3.0 RATIONALE

### 3.1 Site and Surroundings

- 3.1.1 The application site is an undesignated parcel of land, within the urban boundary. The site is irregular in shape and currently free from development. The majority of the land is covered with low grade vegetation, with some pockets of hardstanding. The site is immediately bounded to the north by a secondary employment area, with the southern boundary fronting Higher Eanam, with a range of commercial uses beyond.

#### 3.1.2 Satellite image and site photographs:





## 3.2 Proposed Development

3.2.1 This application relates to a variation of condition 2 of planning approval 10/21/1099, which itself was a variation to planning approval 10/20/0251. The extant consent permits the construction of a single commercial building providing circa 12,850ft<sup>2</sup> of floorspace for use within classes B2 and B8, with associated parking and service yard.

3.2.2 The current variation of condition application seeks to amend the approved site plan and elevation drawings to enable the following changes to the existing approval;

- Re-siting of the building 6m to the east
- Relocation of roller shutter doors and service yard from the east elevation to the north elevation

- Provision of a shared access and egress point on to Dock Street to replace the currently approved independent access and egress points on to Dock Street. Associated changes to the position of service yard and parking areas.

## **3.2 Development Plan**

3.2.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

### **3.2.3 Core Strategy**

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS16 – Form and Design of New Development
- Policy CS22 – Accessibility Strategy

### **3.2.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

## **3.3 Other Material Planning Considerations**

### **3.3.1 National Planning Policy Framework (NPPF) (July 2021)**

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places

### 3.4 Assessment

- 3.3.1 The principle of development is agreed by the extant planning approvals 10/20/0251 and 10/20/1099. The assessment for Members is whether the modifications to the position and design of the building and vehicular access/egress and servicing arrangements set out within the current variation of condition application are acceptable.
- 3.3.2 Design/Appearance: Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate an understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality.
- 3.3.3 Extant approval 10/20/1099 provides for the development of a single commercial building, massed to the south east corner of the site towards the Higher Eanam frontage. The approved building measures approximately 58m in length, 22m in width and 7.1m in height. The unit has glazing detail to the south east corner and is otherwise constructed with metal cladding, with monochrome blocks of cladding to break up the overall massing. Roller shutter doors are provided within the east elevation.
- 3.3.4 The proposal currently under consideration retains the general size and form of the extant scheme, with the exception of a 200mm increase to the overall height of the building. The amendments detail a relocation of the building approximately 6m to the east and repositioning of the roller shutter doors to the north elevation.



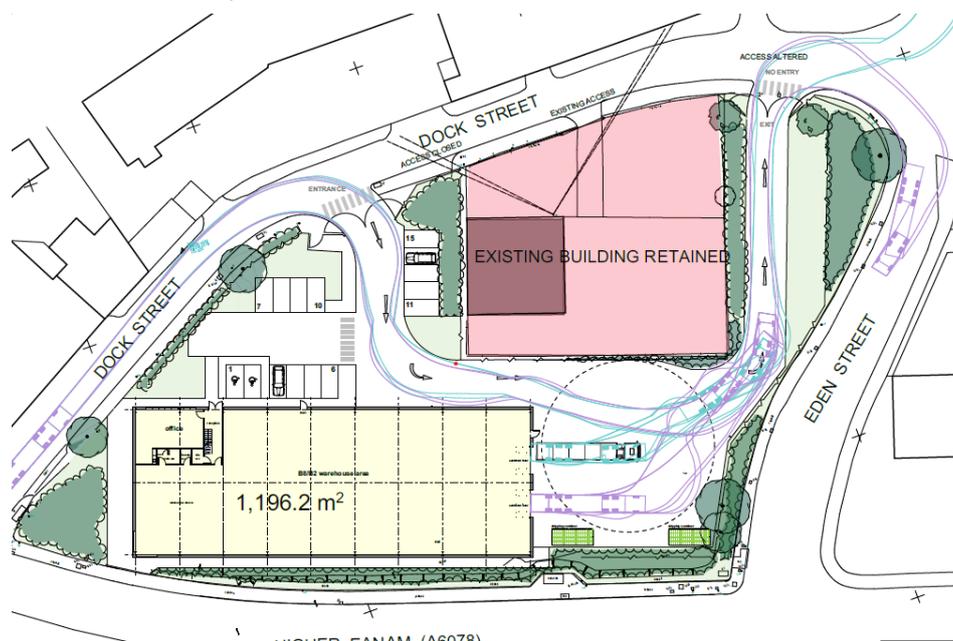
Proposed elevations within 10/21/1270

- 3.3.5 The amended proposals are considered to be limited in scope. The proposals continue to relate appropriately to the setting, which is of mixed character, with two-storey brick built properties opposing the site on the southern side of Higher Eanam and development to the north being more industrial in

appearance, with a mix palette of materials being evident. Furthermore, the proposals offer a substantial improvement to the area by way of bringing a derelict and overgrown site back in to meaningful use. Subject to consideration of materials at a later date the proposed amendments remain consistent with Policy 11

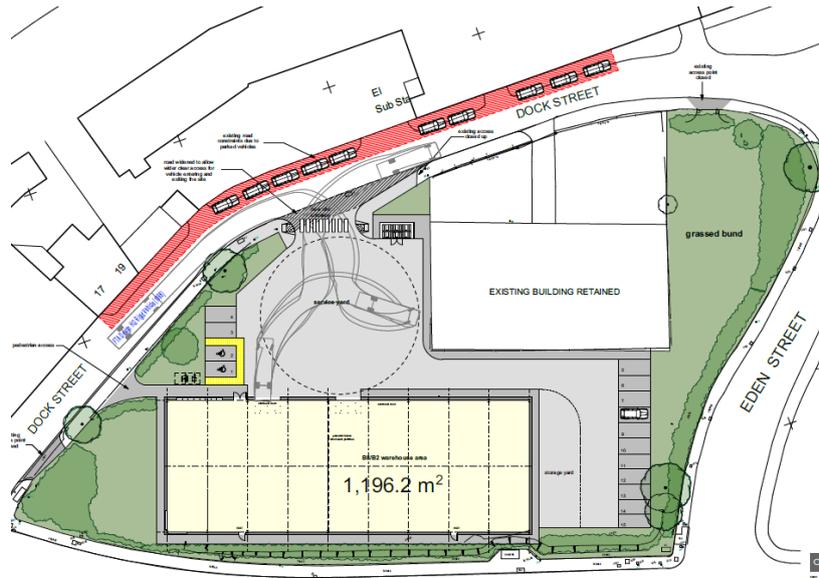
3.3.6 Highways: Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.3.7 The extant approval provides for separate access and egress points on to Dock Street, with parking on the north side of the building and a service yard to the east. 15 parking spaces are provided in accordance with the Council's adopted parking standards.



Layout within extant approval 10/20/1099

3.3.8 The amended proposals received 2<sup>nd</sup> March 2022 provides for a shared access/egress point on to Dock Street. This includes revisions to a small section of the existing footway on the south side of Dock Street. Given the relocation of the roller shutter doors to the north elevation the service yard area has also been relocated to the north side of the building. Parking provision remains at 15 spaces, with disabled provision adjacent to the entrance on the north west corner of the building and the remaining spaces relocated to the east of the building.



Proposed layout within 10/21/1270

- 3.3.9 The Council’s highway team offered some initial concerns with the proposed shared access/egress due to potential conflict between service vehicles and parked vehicles on the north side of Dock Street. This promoted the amendments received 2<sup>nd</sup> March 2022, which widened the proposed access/egress point and angled a section of footway. This change was supported by a vehicle tracking drawing for a 10m fixed axle vehicle (NB: condition 5 of the extant approval prevents servicing by articulated vehicles).
- 3.3.10 Subject to the re-application of the conditions within the extant approval, specifically conditions; 5 (restriction on which limits the type of vehicle servicing the development); 6 (detailed design of access/egress); 7 (construction methods statement); and 8 (safeguarding of visibility spays) the revised scheme is not considered to harm the safe, efficient and convenient movement of highway users. Accordingly, the proposal is consistent with the requirements of Policy 10 of the Local Plan.
- 3.3.11 Residential Amenity: Local Plan Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself.
- 3.3.12 The extant approval includes a number of conditions to safeguard the amenity of occupants of residential flats within the first floor of the properties on the south side of Higher Eanam, as well as the area more generally.
- 3.3.13 The current proposal does not lead to any additional concerns regarding loss of amenity. Indeed, the relocation of the roller shutter doors and service yard from the east to north of the building actually serves to reduce potential harm. Subject to re-application of the conditions on the extant approval, as detailed within section 4 of this report, the proposal is considered to remain consistent with the requirements of Policy 8.

3.3.12 Other Matters: Notwithstanding the matters discussed above, the revised scheme remains acceptable subject to the re-application of those conditions attached to the extant permission and set out within section 4 of this report.

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to the following conditions;**

1. The development hereby permitted shall be begun on or before the 25th August 2023  
REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location plan -18.183\_007 rev C, received 11th May 2020

Elevations: 18.183\_004 rev P, received 2<sup>nd</sup> March 2022

Site plan: 18.183\_001 rev P, received 2<sup>nd</sup> March 2022

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to the commencement of development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

4. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme in the interests of amenity in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

5. No premises hereby approved shall be serviced by articulated vehicles.

REASON: Due to the restricted servicing arrangements within the site and to safeguard highway safety interests, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan part 2

6. Notwithstanding the submitted details, no development shall occur until a scheme detailing the closure of existing vehicular access/egress points on to Dock Street and the formation of the new access/egress points have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the safe, efficient and convenient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

7. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Visibility splays at the site access/egress points shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

9. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including a climate change allowance of 20%), which shall not exceed the pre-development rate;
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (v) details of flood exceedance routes (both on and off site);
- (vi) details of how surface water will be managed and pollution prevented during the construction phase;
- (vii) a timetable for implementation, including details of any phased delivery; and

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul

and surface water in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

**10.** Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese Knotwood on the site shall be submitted to and approved in writing by the local planning authority. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON To ensure that the invasive species present on site are prevented from spreading and/or eradicated, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

**11.** Protective fencing shall be installed around all trees being retained within the application site, in accordance with British Standard 5837: Guide for trees in relation to construction. This fencing should be installed prior to the commencement of any building works, ground works, demolition works or storage of any machinery, equipment or materials on site on that particular phase. This fencing should remain intact and in place until all works are completed on the relevant phase of the site. This fencing should be considered sacrosanct and no soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line.

REASON: The existing trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

**12.** The removal of vegetation from the site shall be conducted outside the bird nesting season (March to August) or within 48 hours of a suitably qualified ecologist having confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

**13.** Prior to the first occupation of the development hereby approved, a scheme detailing the provision of 2no.bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: In the interests of biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

**14.** Prior to the first occupation of the development hereby approved, a scheme detailing the siting and appearance of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: In the interests of visual amenity and highway safety, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2

**15.** Prior to any B2 use occupying any unit hereby approved, details of any emission(s) likely to arise from commercial or industrial activity shall be submitted to the Local Planning Authority (LPA). Where the emission(s) is considered by the LPA to be detrimental to other business or residential amenity a control scheme shall be submitted to and approved in writing by the LPA. All emission control measures approved by the LPA shall be implemented prior to commencement of operations and thereafter retained.

REASON: To prevent an adverse impact on neighbouring land uses, in accordance with Policy 8 of the Blackburn with Drawen Local Plan Part 2

**16.** The use of the premises hereby approved shall be limited to between the hours 07:00 to 22:00

REASON: To ensure that noise from the development does not give rise to a loss of residential amenity to neighbouring residents, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2

**17.** Prior to occupation of any unit hereby approved, the developer shall submit a report that classifies the intended use in accordance with Blackburn with Darwen Council's Planning Advisory Note: Air Quality (the PAN), includes any assessments required in Figure 2 of the PAN, and identifies appropriate mitigation. The recommendations of the report must be agreed in writing by the Local Authority and implemented.

REASON: To safeguard air quality and to address climate change in accordance with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2

**18.** Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2

**19.** Subject to the requirements of condition 18, prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2

**20.** Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

## **5.0 PLANNING HISTORY**

10/20/0251 – industrial development consisting of 2no. B2/B8 units

10/20/1099 - Variation of Condition No2 pursuant to planning application 10/20/0251" New industrial development comprising of 2 No. B2/B8 units" - change to the design - "variation to remove drawing 18.183.001 rev G and substitute with drawing 18.183.001 rev K with "revised design for 1No. unit 12,875sqft"

## **6.0 CONSULTATIONS**

Public Consultation: 34 neighbouring premises have been consulted individually by letter and a site notice displayed. No representations have been received

Highways: Initial concerns that the single access/egress point would lead to conflict between larger vehicles leaving the site and parked vehicles on the north side of Dock Street. Amended details received 2<sup>nd</sup> March 2022 have altered the position and width of the access/egress and are supported by a vehicle tracking drawing. Revised parking layout and service yard position acceptable. No further concerns subject to the re-application of a condition requiring construction details of the new access/egress as attached to extant approval 10/20/1099.

Public Protection: No objection subject to re-application of conditions attached to extant planning approval

**7.0 CONTACT OFFICER:** Martin Kenny, Principal Planner

**8.0 DATE PREPARED:** 3<sup>rd</sup> March 2022